

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
*Plaintiff,*

vs.

JOHN L. HUTCHINS,  
*Defendant.*

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**NOTICE OF MOTION FOR  
PERMISSION TO TRANSFER  
OR LIQUIDATE ASSETS**

Case No: 1:22-CR-42-JLS-JJM

**MOTION BY:**

Justin D. Ginter, Esq.  
*Attorney for Defendant*

**DATE, TIME, PLACE:**

Before the Hon. Jeremiah J. McCarthy  
United States Magistrate Judge  
United States Courthouse  
2 Niagara Square  
Buffalo, New York 14202  
On a date and time convenient for the Court

**SUPPORTING PAPERS:**

Affirmation of Justin D. Ginter, Esq.,  
dated May 25, 2023

**RELIEF REQUESTED:**

Permission to transfer or liquidate assets.

**DATED:**

Buffalo, New York, May 25, 2023

Respectfully submitted,

LIPSITZ GREEN SCIME CAMBRIA LLP  
JUSTIN D. GINTER, ESQ.  
Attorneys for Defendant,  
JOHN L. HUTCHINS  
Office and Post Office Address  
42 Delaware Avenue, Suite 120  
Buffalo, New York 14202-3901  
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TO: PAUL E. BONANNO, ESQ.  
ASSISTANT UNITED STATES ATTORNEY  
138 Delaware Avenue  
Buffalo, New York 14202

BRIAN MAMIZUKA  
UNITED STATES PROBATION OFFICER

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
*Plaintiff,*

vs.

**AFFIRMATION**  
Case No. 1:22-CR-42-JLS-JJM

JOHN L. HUTCHINS,  
*Defendant.*

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STATE OF NEW YORK                    )  
COUNTY OF ERIE                    ) ss:  
CITY OF BUFFALO                    )

JUSTIN D. GINTER, ESQ., affirms under penalty of perjury that:

1. I am an attorney at law duly licensed to practice in the State of New York and in this Court and am a Partner in the law firm of Lipsitz Green Scime Cambria LLP, located at 42 Delaware Avenue, Suite 120, Buffalo, New York.

2. I am fully familiar with the facts and circumstances surrounding this case through my investigation of this matter and review of the pleadings previously filed, as well as through my conversations with the defendant and members of law enforcement.

3. This affidavit is made in support of defendant's motion for permission to transfer or liquidate assets.

4. On March 29, 2022, Mr. Hutchins appeared with counsel before Your Honor for the purpose of arraignment.

5. At arraignment, the government did not move for detention and the parties agreed to Mr. Hutchins's release on numerous conditions recommended by pretrial services.

6. Included in the conditions recommended by pretrial services, was a request that Mr. Hutchins not transfer or liquidate any assets while the case is pending, without Court permission.

7. Mr. Hutchins respectfully requests permission to sell the Rapids Theater (the business) and 1711 Main LLC (the building) both located at 1711 Main Street, Niagara Falls, NY 14305.

8. Further, Mr. Hutchins respectfully requests permission to sell his residence at 606 Mountain View Drive, Lewiston, NY 14092.

9. The proceeds from the sale of the business and properties would be used to help Mr. Hutchins satisfy his current financial obligations, including but not limited to his legal fees associated with this matter.

10. Defense counsel has contacted Assistant United States Attorney, Paul Bonanno, who has no objection to this request as long as \$350,00.00 from the sale is held in escrow. The defense has no objection to this stipulation.

11. Defense counsel has also contacted the United States Probation Officer Brian Mamizuka, who stated that Probation would defer to the Court.

**WHEREFORE** it is respectfully requested that JOHN L. HUTCHINS be permitted to transfer or liquidate the assets referenced above.

**DATED:** Buffalo, New York  
May 25, 2023

Respectfully submitted,

/s/ Justin D. Ginter, Esq.  
JUSTIN D. GINTER, ESQ.